

**IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF PENNSYLVANIA**

DOLORES (DEE) BARRETT,

Plaintiff,

v.

THE GREATER HATBORO CHAMBER
OF COMMERCE, INC., JOHN J. (BUD)
AIKEN, and MICKEY GLANTZ,

Defendants.

: CIVIL ACTION NO.
: 02-cv-4421
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JURY TRIAL DEMANDED

**DEFENDANTS' MOTION FOR AN EVIDENTIARY HEARING
RELATIVE TO PLAINTIFF'S ALLEGED CITIZENSHIP AND DOMICILE
IN THE STATE OF NEW JERSEY**

Defendants, The Greater Hatboro Chamber of Commerce, Inc., John J. (Bud) Aiken, and Mickey Glantz, by and through their undersigned counsel, hereby submit this Motion For an Evidentiary Hearing and in support thereof aver as follows:

1. On January 10, 2005, Defendants, The Greater Hatboro Chamber of Commerce, Inc., John J. (Bud) Aiken, and Mickey Glantz filed a Motion for Summary Judgment.

2. On January 20, 2005, Plaintiff, Dolores (Dee) Barrett filed "Plaintiff's Answer to Defendants' Motion for Summary Judgment and Supporting Brief".

3. Plaintiff's brief referenced an affidavit of Plaintiff Dolores (Dee) Barrett (attached as Exhibit "A") regarding her alleged citizenship and domicile in the State of New Jersey. The Affidavit contained unsubstantiated assertions of fact which contradicted her sworn deposition testimony given June 16, 2004.

4. Moreover, the affidavit contained useless attachments.

5. For instance, the New Jersey Homestead Rebate Application is dated March 6, 2003 and requests information as of December of 2002, however, the complaint was filed July 3, 2002. In addition, the fact that the Plaintiff registered her automobile in the State of New Jersey for purposes of insurance is of no significance. More importantly, Plaintiff failed to attach any copies of her federal income tax which would have substantiated her alleged State of New Jersey Domicile.

6. Plaintiff's affidavit contained assertions of fact which have not been scrutinized by cross-examination.

7. Accordingly, in order for this Court to properly consider the Defendants' Motion relative to diversity of citizenship, the Defendants' respectfully request that the Court conduct an evidentiary hearing so that Defendants' counsel is given the opportunity to cross-examine the Plaintiff regarding her allegations of residency in the State of New Jersey.

WHEREFORE, Plaintiff respectfully request that this Court enter an order granting an evidentiary hearing limited to the issue of Plaintiff's alleged residency in the State of New Jersey.

Respectfully submitted,

SIDNEY L. GOLD & ASSOCIATES, P.C.

S/Sidney L. Gold, Esquire-SG-1387

SIDNEY L. GOLD, ESQUIRE

Identification No.: 21374

KRYSTN E. MUNDY, ESQUIRE

Identification No.: 89152

1835 Market Street, Suite 515

Philadelphia, PA 19103

(215) 569-1999

Attorneys for Defendants

Dated: February 3, 2005